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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/963,373      | 09/27/2001  | Hiroaki Nakamura     | 1110-0288P          | 9448             |

2292 7590 05/04/2006

BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

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| EXAMINER |
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MILIA, MARK R

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2625

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|   |                 |                   |  |
|---|-----------------|-------------------|--|
| <b>Advisory Action</b><br><b>Before the Filing of an Appeal Brief</b> | Application No. | Applicant(s)      |  |
|   | 09/963,373      | NAKAMURA, HIROAKI |  |
|   | Examiner        | Art Unit          |  |
|   | Mark/R. Milia   | 2625              |  |

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 05 April 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: \_\_\_\_\_.
- Claim(s) objected to: \_\_\_\_\_.
- Claim(s) rejected: \_\_\_\_\_.
- Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See attached explanation.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_
13. ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment was received on 4/5/06 but will not be entered, as it does not place the application in condition for allowance. Currently, claims 1-18 are pending.

### ***Response to Arguments***

2. Applicant's arguments filed 4/5/06 have been fully considered but they are not persuasive.

In response to applicant's arguments regarding the citations of Usami which disclose a memory for storing at least one reference image, wherein on pages 2-3, the applicant states that the examiner is interpreting that the at least one reference image of claim 1 corresponds to more than one image of images 71-74 of Usami. To clarify, the examiner cited the areas of Usami merely to show that a memory area exists for storing images, especially for storing an original image or reference image. As the limitation only states that at least one reference image is stored in memory, Usami satisfies such a limitation.

In response to applicant's arguments regarding the citations of Usami which disclose a first adjusting unit for adjusting said image processing conditions in said image processing unit by comparing said finished-state-predicting image with said at

least one selected reference image displayed on said display, wherein on page 3, the applicant asserts that Usami fails to disclose such a feature. The examiner cited Usami to show that a comparison could be made between a reference image and an adjusted image on a display and that Usami teaches the necessary steps to adjust image processing conditions. Further, the reference of Inoue also discloses an adjusting unit for adjusting image processing conditions by comparing an original images to a current image, one which a user can manipulate and compare to the original image (see Fig. 9 and column 10 line 51-column 11 line 43).

In response to applicant's arguments regarding the citations of Inoue which disclose registering at least one reference image in memory and adjusting image processing conditions, displaying the new finished-state-predicting image with the reference image, wherein on pages 4-5, the applicant asserts that it is unclear how the reference image and the finished-state-predicting image defined in claim 1 corresponds to the images 71-74 as shown in Usami and that Inoue fails to disclose adjusting image processing conditions, displaying the new finished-state-predicting image with the reference image. To clarify, the examiner cited Inoue to show that an original or reference image is registered as such and can be shown on a display as seen in figure 9. The original image of Inoue would be comparable to images 71 and/or 72 of Usami as these images are an original image and a preview image in which no color processing has been done. Further, the examiner respectfully disagrees that Inoue fails to disclose adjusting image processing conditions, displaying the new finished-state-predicting image with the reference image as Inoue does disclose such features.

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Particularly, Inoue shows a display for displaying an original image and allows a user to manipulate this image by changing color image processing conditions to obtain a desired finished-state-predicting image, such as that seen in the current images displayed to the right of the original image. As such, the original image and the finished-state-predicting image are displayed together for comparison. The image can be even further adjusted and all of the images can be displayed for viewing (see Fig. 9 and column 10 line 50-column 15 line 20).

Therefore, the rejection is maintained, as all of the above limitations are disclosed by the combination of Usami and Inoue.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571) 272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

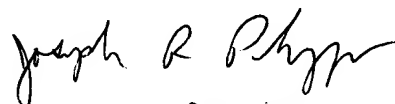
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler M. Lamb can be reached at (571) 272-7406. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark R. Milia  
Examiner  
Art Unit 2625

MRM

  
JOSEPH R. POKRZYWA  
PRIMARY EXAMINER  
ART DIVISION 2625